

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
MAY 3, 2004 / MINUTES**

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
7:00 PM	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:00 p.m., Monday, May 3, 2004, in a joint regular session.
7:01	ROLL CALL	Present: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman and Mayor/Chairman Glickman. Absent: None
7:02	PLEDGE OF ALLEGIANCE	The audience was invited to participate in the Pledge of Allegiance.
7:03	CLOSED SESSION	Town Attorney, Orry Korb, reported that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54957.6 regarding Conference with Labor Negotiator. Town Negotiator Debra Figone, Town Manager, for Management Compensation Plan. Council gave direction. There was no reportable action taken. Pursuant to Government Code Section 54956.8 regarding Conference with Real Property Negotiator. Negotiating Parties: Town of Los Gatos and County of Santa Clara concerning Price and Terms of Payment for Knowles Avenue Property. Council gave direction. There was no reportable action taken.
7:04	PROCLAMATION	PROCLAMATION
	NATIONAL PUBLIC WORKS WEEK MAY 16-22, 2004	Mayor Glickman presented a Proclamation from the Town to the Public Works Department honoring the Public Works Employees of our Town as part of National Public Works Week. John Curtis, Public Works Director was present to receive the Proclamation from the Town and noted the dedicated work of our own Public Works Department.

TIME	ITEM	ACTION ON ITEM
7:04 PM	COMMENDATIONS	COMMENDATIONS
	COMMUNITY SERVICES COMMISSION	Mayor Glickman presented Commendations to Alastair Dallas and Kevin Kelly given from the Town of Los Gatos for their years of service on the Community Services Commission. Both Mr. Dallas and Mr. Kelly were present to receive their commendations and express appreciation for having been able to serve the Town in this manner over the years.
7:07 PM	CONSENT ITEMS	CONSENT ITEMS
	ITEM 1 SCHEDULE OF PUBLIC HEARINGS	Motion by Mrs. Decker , seconded by Ms McNutt, that Council accept and file informational report regarding currently scheduled public hearings. Carried unanimously. (01.28)
	ITEM 2 PAYROLL RATIFICATION FOR MARCH	Motion by Mrs. Decker , seconded by Ms McNutt, that Council ratify the check register for payroll of March 28, 2004 through April 10, 2004 paid on April 16, 2004 in the amount of \$550,589.39. Carried unanimously. (02.V)
	ITEM 3 ACCOUNTS PAYABLE RATIFICATION FOR APRIL	Motion by Mrs. Decker , seconded by Ms McNutt, that Council ratify the check register for accounts payable invoices paid on April 9, 2004 and April 16, 2004 in the amount of \$384,843.59. Carried unanimously. (03.V)
	ITEM 4 TREASURER'S REPORTS FOR FEBRUARY-MARCH	Motion by Mrs. Decker , seconded by Ms McNutt, that Council accept Treasurer's reports for the months of February and March 2004, as well as two revised pages for January 2004. Carried unanimously. (04.02)
	ITEM 5 HIGH-SPEED RAIL SYSTEM INTO SAN FRANCISCO Resolution 2004-58	Motion by Mrs. Decker , seconded by Ms McNutt, that Council adopt Resolution 2004-58 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS SUPPORTING THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY'S CONCLUSION TO USE ONE OF THE TWO SOUTHERN ALIGNMENTS INTO THE SAN FRANCISCO BAY AREA FOR THE STATE'S PROPOSED HIGH-SPEED RAIL SYSTEM.</u> Carried unanimously. (05.28)
	ITEM 6 - PULLED COUNCIL CODE OF CONDUCT POLICY	PULLED ITEM To be heard after the Consent Calendar Item 15.

TIME	ITEM	ACTION ON ITEM
7:07 PM	ITEM 7 COMMUNITY SERVICES COMMISSION Resolution 2004-60	Motion by Mrs. Decker, seconded by Ms McNutt, that Council adopt Resolution 2004-60 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 2003-133 AND AMENDING THE COMMUNITY SERVICES COMMISSION ENABLING RESOLUTION.</u> Carried unanimously. (07.12)
	ITEM 8 - PULLED ISABELLE COURT (130 NINA COURT)	PULLED ITEM To be heard after the Consent Calendar Item 15.
	ITEM 9 HAZARDOUS VEGETATION ABATEMENT Resolution 2004-62	Motion by Mrs. Decker, seconded by Ms McNutt, that Council adopt Resolution 2004-62 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS DECLARING HAZARDOUS VEGETATION (BRUSH) A PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT,</u> and setting June 21, 2004 as a public hearing to hear protests on this annual program. Carried unanimously. (09.28)
	ITEM 10 PARKING ON CERTAIN PARCELS ON WINCHESTER BOULEVARD Ordinance 2131	Motion by Mrs. Decker, seconded by Ms McNutt, that Council adopt Ordinance 2131 entitled, <u>ORDINANCE OF THE TOWN OF LOS GATOS AMENDING TOWN CODE SECTION 29.20.185 (TABLE OF CONDITIONAL USES),</u> allowing parking on certain parcels on Winchester Boulevard, and which was introduced at the Council meeting of April 19, 2004. Carried unanimously. (10.37)
	ITEM 11 - PULLED SOBRATO & NETFLIX AGREEMENT	PULLED ITEM To be heard after the Consent Calendar Item 15.
	COUNCIL/AGENCY	TOWN COUNCIL/REDEVELOPMENT AGENCY
	ITEM 12 - PULLED ADA PARKING LOT	PULLED ITEM To be heard after the Consent Calendar Item 15.
	ITEM 13 SOUTH SIDE PARKING LOT IMPROVEMENT Resolutions 2004-65 & 2004-07RD	Motion by Mrs. Decker, seconded by Ms McNutt, that Council/Agency adopt Resolutions 2004-65 & 2004-07RD entitled, <u>RESOLUTION OF THE TOWN COUNCIL/REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS ACCEPTING WORK OF DURAN AND VENABLES, INC. FOR PROJECT 0336A - SOUTH SIDE PARKING LOT IMPROVEMENTS - AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE TOWN CLERK/SECRETARY.</u> Carried unanimously. (13.24)

TIME	ITEM	ACTION ON ITEM
	COUNCIL/AGENCY CONT.	TOWN COUNCIL/REDEVELOPMENT AGENCY CONTINUED
	ITEM 14A MINUTES APRIL 19, 2004	Motion by Mrs. Decker , seconded by Ms McNutt, that the Town Council/Redevelopment Agency approve the Minutes of the Joint Regular Meeting of April 19, 2004 as submitted. Carried unanimously. (14A.V)
	ITEM 14B MINUTES APRIL 23, 2004	Motion by Mrs. Decker , seconded by Ms McNutt, that the Town Council/Redevelopment Agency approve the Minutes of the Joint Special Meeting of April 23, 2004 as submitted. Carried unanimously. (14B.V)
	REDEVELOPMENT	REDEVELOPMENT AGENCY
	ITEM 15 ACCOUNTS PAYABLE RATIFICATION	Motion by Mrs. Decker , seconded by Ms McNutt, that the Agency ratify the check register for accounts payable invoices paid on April 9, 2004 and April 16, 2004 in the amount of \$150.00. Carried unanimously. (15.V)
7:10 PM	PULLED ITEMS	PULLED ITEMS 6-8-11-12 FROM CONSENT CALENDAR
7:10 PM	ITEM 6 - PULLED SPEAKER COUNCIL CODE OF CONDUCT POLICY Resolution 2004-59	<p>COUNCIL CODE OF CONDUCT POLICY Ray Davis questioned the Council's Code of Conduct Policy and its standards and guidelines for public service.</p> <p>Council answered speaking of prior Council meeting discussions on this subject as the draft policy was being formulated and also quoted the summary and purpose of this policy as follows: The provisions of this policy reflect a commitment by Council Members to the people they serve and to each other, and more importantly, a desire to seek what is good for the community.</p> <p>Motion by Ms McNutt, seconded by Mr. Pirzynski, that Council adopt Resolution 2004-59 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS ESTABLISHING A COUNCIL CODE OF CONDUCT POLICY.</u> Carried unanimously. (06.12)</p>

TIME	ITEM	ACTION ON ITEM
	PULLED ITEMS	PULLED ITEMS 6-8-11-12 FROM CONSENT CALENDAR
	ITEM 8 - PULLED	ISABELLE COURT (130 NINA COURT) PULLED ITEM
7:15 PM	ITEM 8 SPEAKER ISABELLE COURT (130 NINA COURT) COMPLETION	ISABELLE COURT (130 NINA COURT) Ray Davis spoke of Causey Lane drainage system upgrades by the developer, and his disagreement in the use of required permits as a method to require these improvements. Council and Staff answered that five years of work went into this project and that as a condition of approval the Causey Lane drainage system had to be improved to accept the additional discharge of storm water that this project would generate.
	ITEM 8 Resolution 2004-61	ISABELLE COURT (130 NINA COURT)–MOTION Motion by Ms McNutt , seconded by Mr. Pirzynski, that Council adopt Resolution 2004-61 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS ACCEPTING WORK OF DIVIDEND HOMES, INC., AT ISABELLE COURT (130 NINA COURT) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY TOWN CLERK.</u> Carried unanimously. (08.15)
7:20 PM	ITEM 11A 14300-14350 WINCHESTER SALES TAX NETFLIX Resolution 2004-63	14300-14350 WINCHESTER AVE/SALES TAX/NETFLIX 11A SOBRATO/PLANNED DEVELOPMENT Staff and Council agreed that the wording in the Proposed Ordinance strengthened the Town's position for having continued control in the future over the stated use of this building. Motion by Mr. Pirzynski , seconded by Ms McNutt, that Council adopt Resolution 2004-63 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A SALES TAX AGREEMENT WITH NETFLIX, INC.</u> Carried unanimously. (11A.15)

TIME	ITEM	ACTION ON ITEM
7:20 PM	<p>ITEM 11B</p> <p>SPEAKER</p> <p>14300-14350 WINCHESTER PLANNED DEVELOPMENT</p> <p>Ordinance 2130</p>	<p>14300-14350 WINCHESTER AVE/SALES TAX/NETFLIX 11B SOBRATO/PLANNED DEVELOPMENT</p> <p>Ray Davis spoke of Netflix, and establishing its sales tax revenue stream within Los Gatos. He believes that is the only issue to be addressed in allowing the addition of forty thousand square feet to this proposed planned development amendment.</p> <p>Mrs. Decker spoke of a home grown corporation, Netflix, that had a need for an additional 40,000 square feet of space that Los Gatos at this time could not provide. Los Gatos does not want to lose this corporation and has negotiated a corporate headquarters sized building in the Sobrato development. She believes these negotiations were for only Netflix and does not want to see this project built unless there is a guarantee that this corporation is going to be the one that actually maintains this office space. She does not see that type of language in the Proposed Ordinance. Mr. Wasserman agreed.</p> <p>Motion by Mr. Pirzynski, seconded by Ms McNutt, that Council adopt Ordinance 2130 entitled, <u>ORDINANCE OF THE TOWN OF LOS GATOS AMENDING ORDINANCE 2126 CONCERNING THE PLANNED DEVELOPMENT AT 14300-14350 WINCHESTER BOULEVARD</u> which was introduced at the Council meeting of April 23, 2004. Carried by a vote of 3 ayes. Mr. Wasserman abstained and Mrs. Decker voted no for reasons noted in prior record and those noted above. (11B.15)</p>
	COUNCIL/AGENCY	TOWN COUNCIL/REDEVELOPMENT AGENCY/CONSENT
7:53 PM	<p>ITEM 12</p> <p>PRJ:0409B ADA IMPROVEMENTS PARKING LOTS 1-2-3 & 6</p> <p>Resolution 2004-64 Resolution 2004-06RD</p>	<p>PROJECT 0409B/ADA IMPROVEMENTS</p> <p>Mrs. Decker spoke of working on the ADA projects in Los Gatos over the years and asked the Director of Public Works if the Town had met all of the State's and Federal Agencies' requirements regarding these projects. Mr. Curtis affirmed that all the current standards have been met and the Town would meet the requirements for certification.</p> <p>Motion by Mr. Wasserman, seconded by Ms McNutt, that Council adopt Resolutions 2004-64 & 2004-06RD entitled, <u>RESOLUTION OF THE TOWN COUNCIL/REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS ACCEPTING WORK OF DURAN AND VENABLES, INC. FOR PROJECT 04-09B - ADA IMPROVEMENTS TO PARKING LOTS 1, 2, 3 AND 6, AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE TOWN CLERK/SECRETARY.</u> Carried unanimously. (12.24)</p>

TIME	ITEM	ACTION ON ITEM
7:57 PM	VERBAL COMMUNICATION	<p>VERBAL COMMUNICATION</p> <p>Ray Davis spoke of his arrest and disorderly conduct charges. He believes that he was mistreated by the Police Department.</p> <p>Town Attorney Korb explained Mr. Davis' arrest for disorderly conduct within the Civic Center last year where he had a verbal altercation with a Town employee at the Planning Desk and which was witnessed by staff and the public who were in the office at the time.</p>
7:26	PUBLIC HEARING	PUBLIC HEARING/PERSONAL SERVICE
8:03 PM	<p>ITEM 16</p> <p>PERSONAL SERVICES IN CENTRAL BUSINESS DISTRICT</p>	<p>PERSONAL SERVICE REGULATIONS IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT</p> <p>Mayor Glickman announced that this was the time and place duly noticed for holding a public hearing to consider amending the Town Code to modify the personal service regulations for businesses in the C-2 Zone. It has been determined that this project could not have a significant impact on the environment, therefore the project is not subject to the California Environmental Quality Act [Section 15061 (b)(3)]. (16.38)</p>
8:08 PM	STAFF AND COUNCIL COMMENTS	<p>Bud Lortz, Director of Community Development, spoke concerning the history of vacant commercial building space in the downtown. He noted the many changes over the years as types of businesses proliferated and then died out entirely. He also spoke of Council regulations to try to moderate proliferation of specific types of businesses on the occasions those businesses seemed to be posing stronger impacts on the environment.</p> <p>Council asked questions about the second floor office uses; the exempted properties; saturation levels; use of conditional use permits; change of ownership; negative impacts for businesses in the pedestrian retail shopping area; parking issues; and the administration and oversight of these regulations.</p>
8:48 PM	SPEAKER	Tom Connelly representing property on Village Lane owned by John Lochner, spoke of the negative aspects of the conditional use permits and asked that Village Lane be included in the exempted properties.
8:53 PM	SPEAKER	Sallie Robbins-Druian asked for some modifications to the Proposed Ordinance before Council.
8:56 PM	SPEAKER	Shirley Henderson spoke of maintaining balance in the downtown and then stressed the parking issues which are exacerbated by a proliferation of personal service businesses.

TIME	ITEM	ACTION ON ITEM
8:58 PM	ITEM 16 CONTINUED	PUBLIC HEARING PERSONAL SERVICE REGULATIONS IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT CONTINUED
	CLOSED HEARING	Mayor Glickman closed the public hearing.
8:59 PM	ITEM 16 COUNCIL COMMENTS	Council Comments: * Staff to watch for ways to keep balance of uses in the CBD * Consider conditional use permits on a case by case basis * Consider ways to address the issue of balance of uses if there is no use permit required * Ordinance will lift moratorium and allow for the issuance of use permits instead
9:10 PM	MOTION	Motion by Mrs. Decker , seconded by Mr. Pirzynski, that Council introduce the Proposed Ordinance entitled, <u>ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE OF THE TOWN CODE ESTABLISHING PERSONAL SERVICE BUSINESS REGULATIONS IN SECTIONS 29.10.020, 29.20.185, 29.20.190 AND 29.60.320</u> , with no exemptions for Village Lane. Carried by a vote of 3 ayes. Ms McNutt and Mr. Glickman voted no. (16.38)
9:17 PM	READING OF THE ORDINANCE TITLE	The Town Clerk Read the Title of the Proposed Ordinance.
9:18 PM	ITEM 16 READING OF ORDINANCE WAIVED	Motion by Mrs. Decker , seconded by Mr. Pirzynski, that Council waive the reading of the Proposed Ordinance. Carried unanimously.
9:19 PM	MOTION CALLED FOR A SECOND TIME FOR ITEM 16	PERSONAL SERVICE REGULATIONS IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT–MOTION FOR ITEM 16 Motion by Mrs. Decker , seconded by Mr. Pirzynski, that Council make the finding that the Zoning Code Amendment is consistent with the General Plan; and that Council introduce the Proposed Ordinance entitled, <u>ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE OF THE TOWN CODE ESTABLISHING PERSONAL SERVICE BUSINESS REGULATIONS IN SECTIONS 29.10.020, 29.20.185, 29.20.190 AND 29.60.320</u> , with no exemptions for Village Lane. Carried by a vote of 3 ayes. Ms McNutt and Mr. Glickman voted no. (16.38)

TIME	ITEM	ACTION ON ITEM
9:25 PM	ITEM 17 HAUNTED FOREST	HAUNTED FOREST EVENT IN OAK MEADOW PARK OUTSIDE ORGANIZATION/SPECIAL EVENT PERMIT
9:27 PM	INTRODUCTION OF ITEM 17	Mayor Glickman announced that this was the time and place so noted to consider direction regarding the Haunted Forest event and authorize processing of a special events permit for this function by an outside organization at Oak Meadow Park. (17.36)
9:28 PM	COUNCIL COMMENTS AND DIRECTION	Council Comments: <ul style="list-style-type: none"> * What is the cost to the Town? * What is the community benefit? * Are there local organizations who would care to run this function? * Having answered these questions Council agreed that Mr. Bryon Patterson should be congratulated for coming forward to save this event.
9:36 PM	COUNCIL CONSENSUS ITEM 17	Consensus of Council to thank Mr. Patterson for providing services to continue this event at Oak Meadow Park, and authorize processing of a special events permit for holding this function for our community.
9:37 PM 9:54 PM	ITEM 18 BANNER PROGRAM COUNCIL CONSIDERATION	TOWN BANNER PROGRAM–ITEM 18 Terri Hope spoke for the committee working with the banners. She spoke of colors, size, placement and costs. Council’s questions were answered and Council gave consensus to: <ul style="list-style-type: none"> * Accept Arts Commission recommendation for the “Music in the Park” banner design. * Accept Arts Commission recommendation for “Celebrating the Arts” banner design. * Authorize the Town Manager to accept a donation of \$2,500 from the Los Gatos Art Cat Project Committee to the Town of Los Gatos for streetlight banner design, production and installation. (18.31)
9:55 PM	ITEM 19 DOWNTOWN PARKING	DOWNTOWN PARKING MANAGEMENT PROGRAM Mayor Glickman announced that this was the time and place so noted to consider and accept the status report on the Downtown Parking Management Plan and to provide direction to staff for further implementation. (19.36)
10:03 PM	DOWNTOWN PARKING COUNCIL COMMENTS ITEM 19	Council comments and consensus: <ul style="list-style-type: none"> * Signage should be consistent and uniform * Employee parking should be noted by signs * Timed zones should be more uniform to prevent confusion * The garages were addressed concerning employee parking * Valet services to be considered as we prepare for the holiday season * Shuttle service links to be considered.

TIME	ITEM	ACTION ON ITEM
10:18 PM	ITEM 20 COUNCIL MATTERS	STREET NAMING POLICY TO POLICY COMMITTEE Mayor Glickman spoke concerning the development of a street naming policy by the Council Policy Committee. (20.V)
10:20 PM	COUNCIL COMMENTS STREET NAMING POLICIES	Council considerations and consensus: * Clarification in a written policy would be helpful * Bring forward to Council after some work on the issue * Ms McNutt and Mrs Decker volunteered to pursue the subject and report back to Council
10:33 PM	ITEM 21 MANAGER MATTERS	HIGHWAY 9 AND MASSOL INTERSECTION TRAFFIC SAFETY ISSUES AND IMPROVEMENTS John Curtis , Director of Public Works, gave a verbal report on the meetings, issues and work being done at this intersection. He noted the upcoming meetings to be held with Monte Sereno, Saratoga and the VTA concerning the long range proposals for this section of road. He also spoke of the immediate traffic safety projects that can be implemented now. Council consensus to proceed with the long range planning with all concerned parties and attend to the immediate needs for a safe crossing zone. (21.41)
10:40 PM	ADJOURNMENT	Mayor Glickman adjourned this evening's meeting at 10:40 PM

ATTEST:

Marian V. Cosgrove
Town Clerk
Secretary to the Redevelopment Agency